

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)	
)	
v.)	No. 2:17-CR-092
)	
EVA MARIE BARRETT)	

ORDER

By judgment entered June 27, 2018, this Court sentenced the defendant to a 46-month term of imprisonment for conspiring to distribute marijuana. In its judgment, the Court recommended that the defendant be allowed to participate in the Bureau of Prisons' ("BOP") Residential Drug Abuse Program ("RDAP"). [Doc. 261].

Now before the Court are two *pro se* motions filed by the defendant. [Docs. 351, 352]. In the first motion, the defendant states that she has enrolled in RDAP but has been told by the BOP that she is ineligible for sentence reduction upon completion of that program "due to the elements of my case for the 2 point enhancement for possession of a firearm." The defendant further claims that she was unaware of the two-point firearm enhancement (pursuant to United States Sentencing Guideline ("U.S.S.G.") § 2D1.1(b)(1)) contained in her Presentence Investigation Report ("PSR") until she enrolled in RDAP. The defendant asks the Court to now amend her PSR to remove that enhancement. By her second motion, the defendant requests further information about the firearm and asks whether her PSR included a minor role reduction under U.S.S.G. § 3B1.2.

At the sentencing hearing, the Court confirmed that the defendant's attorney had reviewed the PSR with her. The defendant therefore was aware that the PSR increased her offense level by two for possession of a firearm. It is further noted that this enhancement was based on the defendant's own admission in her plea agreement. [Doc. 120, p. 2].

The defendant cites no authority by which the Court can at this stage amend her sentence or strike the guideline enhancement, and there is none. Further, eligibility for sentencing credit upon completion of RDAP is a matter solely within the discretion of the BOP.

As for the minor role reduction, the defendant's PSR speaks for itself. No minor role reduction was applied in this case.

The Court commends the defendant for her RDAP participation and for the other coursework that she has completed. [Doc. 351, ex. 2-12]. Nonetheless, her motions [docs. 351, 352] must be **DENIED** for the reasons provided herein.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge